IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18285 of 2007(B)

PETITIONER:

SMT.L.SNEHALATHA, JUNIOR SUPERINTENDENT,
CHIEF EXECUTIVE OFFICE,
KERALA STATE MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, KOLLAM.

BY ADV. SRI.R.MURALEEDHARAN PILLAI
SRI.P.V.LONACHAN
SRI.J.MADHUSUDHANAN PILLAI

RESPONDENTS:

1. THE CHAIRMAN, CHIEF EXECUTIVE OFFICE,
KERALA STATE MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, KOLLAM.

2. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.18285 of 2007-B

Dated this the 25th day of June, 2007.

J U D G M E N T

The petitioner is an employee of the Kerala State Motor Transport Workers' Welfare Fund Board. She is aged 54 and will be retiring on 31-8-2007. This writ petition is filed by her, feeling aggrieved by the decision of the Kerala Motor Transport Workers' Welfare Fund Board not to effect any change to the retirement age of its employees, which is presently 55. According to the petitioner, it should be enhanced to 58, so that she will be able to draw pension under the Employees Provident Fund and Miscellaneous Provisions Pension Scheme,framed under the Employees Provident Fund Act. Seeking appropriate reliefs, she has filed Ext.P3 representation, before the Government, and thereafter, this writ petition is filed. She also challenges Ext.P2 communication of the Chief Executive Officer, conveying the decision of the Board, not to enhance the retirement age. The learned Standing Counsel for the first respondent submitted that the provisions of the Employees Provident Fund Act are not applicable to the employees of the Board. They are having only a contributory provident fund scheme, administered by the Board itself. It is governed by the Kerala Motor Transport Workers' Welfare Fund Board Employees Contributory Provident Fund Rules, 1999. Even if the employees continue upto the age of 58, they

will not get any consideration. It is also submitted that the retirement age as per the Kerala Motor Transport Workers Welfare Fund Board Staff (Appointment, Service Conditions, Conduct and Discipline) Rules, 2000, is 55. The said Rule is not challenged in this writ petition. Unless that Rule is amended, the claim of the petitioner cannot be upheld.

As long as the Rule governing the service conditions provides that the retirement age of employees of the Kerala Motor Transport Workers' Welfare Fund Board is 55, no relief could be granted to the petitioner, in this writ petition. Accordingly, it is dismissed. But, this will not affect, the rights, if any, of the petitioner, to move competent authority, for enhancing the retirement age.

K.BALAKRISHNAN NAIR,
JUDGE.

MS